

# **EXHIBIT C**

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**PATRICK BRADY, ET AL,**

**Plaintiffs,**

**CIVIL ACTION NUMBER:**

**-vs-**

**02-2917 (JEI)**

**AIR LINE PILOTS ASSOCIATION**  
**INTERNATIONAL,**

**Defendant.**

Mitchell H. Cohen United States Courthouse  
One John F. Gerry Plaza  
Camden, New Jersey 08101  
May 4, 2012

**B E F O R E:**

**THE HONORABLE JOSEPH E. IRENAS**  
**UNITED STATES DISTRICT JUDGE**

**A P P E A R A N C E S:**

TRUJILLO RODRIGUEZ & RICHARDS, LLC

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7 BY: STEVEN J. FRAM, ESQUIRE

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24 Certified as true and correct as required by Title 28,

25 U.S.C., Section 753.

1 /S/ Carl J. Nami  
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*United States District Court  
Camden, New Jersey*

1 him a question, he'll just answer it?

2 MR. FRAM: Your Honor, I can only hope.

3 THE COURT: You can only hope. Right.

4 MR. FRAM: But my point is that there's a lot of  
5 groundwork that has to be done, and again that necessarily is  
6 going to cover some of the same issues that we've had.

7 So, we submit that rather than proceed based upon a  
8 jury verdict, that really provides no information of  
9 consequence. The better thing to do is to go backwards as  
10 opposed to trying to pursue damage issues in a way that is  
11 going to be confusing and difficult. I appreciate your  
12 Honor's concern that the plaintiffs may not yet have had an  
13 opportunity to submit an expert report, that's fine, but we do  
14 --

15 THE COURT: No. As I say, I do think, although you  
16 don't argue it quite that way but you ultimately make a good  
17 point. That until you know the theory of i.e. what would have  
18 happened, you know, well what a damage expert said. You  
19 either take factual discovery is very difficult.

20 MR. FRAM: Your Honor, there are two parts of this  
21 and one is not really damages. The first part of it is trying  
22 to establish how the seniority integration might have been  
23 different, and it might not have been --

24 THE COURT: That's at the end of the day, I think, I  
25 don't want to -- I'm not trying to limit them in any way, but

01:46

1 I think at the end of the day they have to come up with a  
2 theory that this, I'll all it the staple point. The staple  
3 point would have been different and more favorable to the TWA  
4 pilots had, you know, the union been more, you know, not  
5 breached its duty of fair representation. But until we get to  
6 what that theory is, factual discovery as to who gets what is  
7 going to be very difficult, if not impossible.

01:46

8 MR. FRAM: Your Honor, we don't believe that that  
9 issue is one that's amenable to expert testimony at all.

10 That's a fact --

11 THE COURT: Well, how do I know until they give it?

01:46

12 MR. FRAM: Well, your Honor, I think we're agreeing  
13 that we don't have a trial plan and we don't have enough  
14 information from plaintiffs on any of these issues that have  
15 the rigorous analysis that we need to move forward. So if  
16 your Honor's inclination is to deny this motion without  
17 prejudice and to defer these issues, that's fine.

01:46

18 THE COURT: Well, I think on a class certification  
19 issue in a sense it's always without prejudice to change any  
20 kind of changed circumstances. I mean, you know, it's with  
21 prejudice, I guess you just make the motion a week later. You  
22 know, nothing has changed. But if there's been some change, I  
23 think the motion can be made again. I mean it's inherent in  
24 that.

01:47

25 MR. FRAM: Well, your Honor, the major change here,